

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUITY MANAGEMENT, INC.,

Plaintiff,

v.

Case No. 12-CV-10059

LESLEY TUTTLE (f/k/a LESLEY MATT),

Defendant.

**ORDER DENYING IN PART PLAINTIFF'S "MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION"
AND SETTING A PRELIMINARY INJUNCTION HEARING**

On January 6, 2012, Plaintiff filed its "Verified Complaint" and a "Verified Motion for Temporary Restraining Order and Preliminary Injunction." Plaintiff's counsel has informed staff that notice of the complaint and motion was given to Attorney Gerald D. Wahl, who represented Defendant Lesley Tuttle's interests, at least in the negotiations leading up to this lawsuit. (Pl.'s Mot. Ex. F.) Mr. Wahl has apparently indicated that he may not be representing Defendant in this litigation and is not yet authorized to accept service on her behalf. The court has reviewed the Motion and determined that the requirements for issuing a temporary restraining order under Federal Rule of Civil Procedure 65(b) are not met in this case. Specifically, Plaintiff's verified complaint fails to establish that "*immediate* and irreparable injury, loss, or damage will result . . . before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A) (emphasis added). Accordingly,

IT IS ORDERED that Plaintiff's "Motion for a Temporary Restraining Order and Preliminary Injunction" [Dkt. # 7] is DENIED IN PART. Specifically, it is DENIED with

respect to the request for a temporary restraining order.

IT IS FURTHER ORDERED that the court will conduct a hearing on the request for a preliminary injunction on **Tuesday, January 10, 2012, at 3:30 p.m.** Defendant and Plaintiff's representative(s) with full settlement authority are required to appear.

Plaintiff is DIRECTED to email a copy of this order to Attorney Wahl today and determine whether Mr. Wahl will accept personal service of the complaint on Defendant's behalf. If he declines, Plaintiff's counsel is DIRECTED to diligently attempt service on Defendant by **Monday, January 9, 2012.** Under the particular circumstances of this case, if service is not accepted by Mr. Wahl or effectuated on Defendant despite diligent efforts by the time of the preliminary injunction hearing, the court will entertain a renewed oral motion for a temporary restraining order.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 6, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 6, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522